

Application No: 09/900,217
Attorney's Docket No: PHUS 010329

REMARKS/ARGUMENTS

Applicant acknowledges receipt of the Office Action dated 11/29/05. Claims 1-23 are pending in the application and are presented for reconsideration and further examination in view of the foregoing amendments and the following remarks and arguments.

By this Response and Amendment claims 1, 3-6 and 17-23 have been amended to further differentiate the claimed invention over the prior art. As amended, the rejections of claims 17-23 under 35 U.S.C. § 102(e), and the rejections of claims 1-16 under § 103(a), are respectfully traversed. Withdrawal of the rejection of claims 3, 7, 9, 10 and 14 under 35 U.S.C. 112, 2nd paragraph, is also respectfully requested.

Rejections under 35 U.S.C. §112

The Examiner rejected claims 3, 7, 9, 10 and 14 under 35 U.S.C. §112, 2nd paragraph, as being indefinite.

Applicant thanks the Examiner for pointing out a typographical error in the above noted dependent claims. This typographical error was introduced in a previous amendment, in which a "2" was inadvertently replaced by a "0." The typographical error has been corrected in the currently presented set of claims, thereby rendering the rejections moot. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

Rejections under 35 U.S.C. §102

The Examiner rejected claims 17-23 under 35 U.S.C. §102(e) as anticipated by Ellis et al. (US PG Pub. 2005/0028208).

Applicant respectfully traverses the rejections.

However, in order to expedite the prosecution of the present application claims 17-23 have been amended to further differentiate the claimed invention over the cited prior art. Support for the amendments to claims 17-23 is found in the present application as originally filed, in particular in Figures 1 and 2 and at paragraphs 0015 and 0016. It is therefore submitted

Application No: 09/900,217
Attorney's Docket No: PHUS 010329

that the above amendments do not introduce any new matter within the meaning of 35 U.S.C. §132.

As amended, Claims 17-23 are directed to a system, an article of manufacture and a method of using said system and article of manufacture for person-to-person scheduling of automatic program recording. By way of review, the invention is directed to receiving a request, from a registered scheduler, to schedule a recording of a program for a recipient, wherein the scheduler and the recipient are different individuals operating separate personalized television devices. A scheduler is registered in order to be able to schedule a recording on behalf of a recipient. A list of registered schedulers is maintained either in a central location or on each personalized television device. A recipient can authorize one or more people to allow them to schedule recordings on his or her personalized television device. This means that, from a point of view of a given personalized television device, more than one user can schedule a recording on behalf of a recipient.

In contrast, Ellis et al. discloses a system for remote access to an interactive television program guide that allows one user to remotely schedule program recordings or change control settings on one or more television devices. Ellis et al. discloses a system that requires authentication, such as a password, in order to grant access to a user from a remote location (see, e.g., § 0099). From a logical point of view, the system in Ellis et al. only "sees" and authorizes one user who can change the settings and schedule recordings: it is the user that provides the correct password. The system disclosed in Ellis et al. does not allow a registered scheduler, different from the owner of a personalized television device, to remotely schedule a recording on said personalized television device, unless said scheduler provides the correct password, which ultimately would equate said scheduler to the actual owner of the device.

It is therefore submitted that Ellis et al. does not anticipate the system, article of manufacture and method of using said system and article of manufacture for person-to-person scheduling of automatic program recording as claimed in claims 17-23.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

Application No: 09/900,217
Attorney's Docket No: PHUS 010329

Rejections under 35 U.S.C. §103

Claims 1-9, 13 and 15 were rejected under 35 U.S.C. §103(a) as obvious over Ellis et al. in view of newly cited Hirata (US Pat. 6,374,406) and McKissick et al. (US patent application No. 09/356,245).

Claims 10-12 were rejected under 35 U.S.C. §103(a) as obvious over Ellis et al. in view of Hirata and McKissick et al., and further in view of previously cited Basso and Dworkin.

Claim 14 was rejected under 35 U.S.C. §103(a) as obvious over Ellis et al. in view of Hirata and McKissick et al., and further in view of newly cited Whitten (US PG Pub. 2002/0083136).

Claim 16 was rejected under 35 U.S.C. §103(a) as obvious over Ellis et al. in view of Hirata and McKissick et al., and further in view of newly cited US Published Application No. 2004/0181814 to Ellis et al. ("Ellis2").

Applicant respectfully traverses the rejections.

However, in order to expedite the prosecution of the present application claims 1 and 3-6 have been amended to further differentiate the claimed invention over the cited prior art. Support for the amendments to claims 1 and 3-6 is found in the present application as originally filed, in particular in Figure 1 and at paragraphs 0015 and 0016. It is therefore submitted that the above amendments do not introduce any new matter within the meaning of 35 U.S.C. §132.

As originally and presently claimed in independent claim 1, the present application is directed to a method for automatic recording comprising the steps of receiving a request from a scheduler to schedule a recording for a recipient, and issuing a command to record the program for the recipient, wherein the scheduler and the recipient are different individuals.

Claim 1 has been amended to clarify that the scheduler must first be registered as a authorized scheduler who is given permission to schedule recordings on behalf of a recipient, and that the scheduler and the recipient are different individuals.

Claims 3-5 have been amended to clarify the fact that the "buddy" list is a list of registered schedulers.

Application No: 09/900,217
Attorney's Docket No: PHUS 010329

Claim 6 has been amended to reflect the fact that the step of registering a scheduler is now claimed in claim 1.

As amended, claim 1 is directed to a method for automatic recording wherein a scheduler must first be registered to be allowed to schedule recordings on behalf of a recipient. A command for scheduling a recording is actually issued if the scheduler has been authorized by the recipient, the scheduler and the recipient being two different individuals.

Applicant incorporates herein by reference the arguments presented above in the response to the 102(e) rejections of claims 17-23 over Ellis et al.

Additionally, applicant submits that combining Ellis et al. with McKissick and Hirata does not render Claim 1 obvious over said cited art references. McKissick et al. discloses a television message system, i.e. a messaging system adapted to be used in conjunction with a television device. Hirata et al. discloses a system that allows one user to control his or her own video equipment remotely via electronic mail.

Although McKissick et al. discloses the use of buddy lists, these lists are only used for allowing or blocking messages from other users, not for giving permission to schedulers to schedule a program recording on behalf of a recipient.

Although Hirata et al. discloses remote programming of video equipment, said programming is done by a single user operating his or her own equipment remotely.

None of the three references cited by the Examiner, either by themselves or in combination, disclose a step of registering at least one scheduler to give said scheduler permission to make scheduled recordings on behalf of a recipient wherein the scheduler and the recipient are different individuals.

It is therefore submitted that Claim 1 is not obvious over the cited art references.

Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

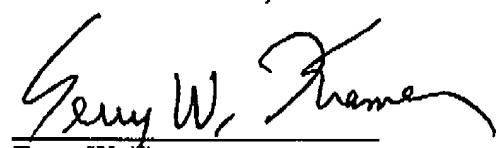
It is submitted that claims 2-16 are also allowable because they ultimately depend from Claim 1, which is allowable over the cited art references based upon the above arguments. Accordingly, reconsideration and withdrawal of their rejections is respectfully requested.

Application No: 09/900,217
Attorney's Docket No: PHUS 010329

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.


Terry W. Kramer
Registration No.: 41,541

KRAMER & AMADO, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314
Phone: 703-519-9801
Fax: 703-519-9802

Date: January 9, 2006